

RESOLUTION NO. 2011-62

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI  
APPROVING THE REQUEST OF MICHAEL CAROUBA, ON BEHALF  
OF FINK LL., FOR APPROVAL OF THE PROPOSED SOUTH  
HUTCHINS ANNEXATION PROJECT, ADOPT A PRE-ZONING  
DESIGNATION FOR THE ANNEXATION, AND DIRECT STAFF TO  
PREPARE AND SUBMIT AN APPLICATION TO THE SAN JOAQUIN  
COUNTY LOCAL AGENCY FORMATION COMMISSION

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WHEREAS, the City Council of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested annexation in accordance with the Government Code and Lodi Municipal Code Chapter 17.84, Amendments; and

WHEREAS, the South Hutchins Annexation project comprises a single parcel, which measures approximately 30 acres in size; and

WHEREAS, the affected property is located within the San Joaquin County jurisdiction and described as follows:

APN	Site Address	Property Owner
058-100-03	13333 North West Lane	FF LP

hereafter the "Property"; and

WHEREAS, the property owner is FF LP, 540 Mills Avenue, Lodi, CA 95242-3428; and

WHEREAS, in order for the City of Lodi to annex the Property into the City, the City Council will need to take the planning and policy actions listed below that collectively make up the South Hutchins Annexation Project ("Project"):

- Adopt a Negative Declaration pursuant to the California Environmental Quality Act (CEQA);
- Amend the City of Lodi Zoning Map to show the annexation area and incorporate a new Zoning District, Planned Development 43 (PD-43), for the annexation area;
- Approve Pre-Zoning designation for the Property;
- Direct staff to prepare and submit an annexation application to the San Joaquin County Local Agency Formation Commission (LAFCO); and

WHEREAS, in addition, in order to complete the annexation of the Property into the City of Lodi, LAFCO will need to take the planning and policy actions listed below:

- LAFCO processing and approval of City's annexation application; and

WHEREAS, pursuant to California Environmental Quality Act (CEQA) the City has conducted an Initial Study to evaluate the Project's potential impacts on the environment. The Initial Study and Mitigated Negative Declaration are incorporated herein by reference; and

WHEREAS, on the basis of said Initial Study, a Mitigated Negative Declaration has been prepared; and

WHEREAS, the City Council did certify the Mitigated Negative Declaration (File No. 10-MND-04) and adopted associated Mitigation Monitoring and Reporting Program; and

WHEREAS, the Planning Commission of the City of Lodi held a duly noticed public hearing on March 9, 2011, listened to testimony from the public, considered all oral and written comments received at or prior to the public hearing on the matter, and recommended approval of the project on vote of 5-1 in favor; and

WHEREAS, the project proponent and applicant, Michael Carouba, on behalf of Fink LL., (referred to as "Applicant"), P. O. Box 2663, Lodi, CA 95241, has presented substantial evidence which supports the application; and

WHEREAS, the Development Plan required by Lodi Municipal Code Chapter 17.33, P-D Planned Development District, consists of the development of a 30-acre area within four phases and the Planning Commission reviewed and approved development plan Phase I, including the site layout, architectural elevations, landscape plan, and general infrastructure necessary for Phase I, at its meeting of Wednesday March 9, 2011; and

WHEREAS, all legal prerequisites to the approval of this request have occurred.

NOW, THEREFORE, BE IT FOUND, DETERMINED, AND RESOLVED that, based upon the evidences within the staff report and project file, the City Council of the City of Lodi makes the following findings:

1. It is found that the requested annexation does not conflict with adopted and proposed plans or policies of the General Plan and will serve sound Planning practice.
2. It is further found that the Property proposed to be annexed is physically suitable for the development of the proposed project.
3. The proposed design and improvement of the Property is consistent with all applicable standards adopted by the City in that the project, as conditioned, will conform to adapted standards and improvements mandated by the City of Lodi Public Works Department Standards and Specifications, Zoning Ordinance as well as all other applicable standards.
4. The size, shape, and topography of the site is physically suitable for the mixed-use development proposed in that the site is generally flat and is not within an identified natural hazard area.
5. The site is suitable for the density proposed by the Project in that the Property can be served by all public utilities and creates design solutions for storm water, traffic, and air quality issue.
6. The design of the proposed project and the proposed improvements are not likely to cause substantial environmental damage or injure fish or wildlife or their habitat. Potential biological related environmental impacts identified in the Mitigated Negative Declaration would not be significant because mitigation measures have been incorporated into the Mitigation Monitoring and Reporting Program for the project to reduce any impacts to a level of less than significant.
7. The design of the proposed project and type of improvements are not likely to cause serious public health problems in that all public improvements will be built per City standards and all private improvements will be built per the California Building Code.

8. The design of the proposed Project and the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed project in that, as conditioned, the Project will provide dedication of adequate right-of-ways for Harney Lane, and other circulation and roadway improvements required to serve the Project.
9. The Project is conditioned to construct improvements to Harney Lane and create new streets, install new and upgrade existing intersections, thereby insuring that an adequate level of service is maintained on the roadways within the area.
10. The loss of prime farmland located within the Project area will be mitigated through the identification and acquirement of agricultural easement at a rate of 1:1 (agricultural land loss/easement acquired), located in northern San Joaquin County, to be maintained in perpetuity as agricultural use.

NOW, THEREFORE, BE IT FURTHER RESOLVED, DETERMINED, AND ORDERED that the City Council of the City of Lodi hereby approves the South Hutchins Annexation Project; adopts a pre-zoning designation of Planned Development-43 (PD) Zoning designation; and hereby directs staff to prepare and submit an annexation application to the San Joaquin Local Formation Commission (LAFCO) to annex the project into the incorporated City limits.

Dated: April 20, 2011

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I hereby certify that Resolution No. 2011-62 was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 20, 2011, by the following vote:

AYES:	COUNCIL MEMBERS – Hansen, Katzakian, Nakanishi, and Mayor Johnson
NOES:	COUNCIL MEMBERS – None
ABSENT:	COUNCIL MEMBERS – Mounce
ABSTAIN:	COUNCIL MEMBERS – None

  
RANDI JOHL  
City Clerk